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6 **UNITED STATES DISTRICT COURT**  
7 **WESTERN DISTRICT OF WASHINGTON**  
8 **AT TACOMA**

9 AARON PAUL KHAMNOY,

10 Plaintiff,

11 v.

12 NATIONAL RAILROAD PASSENGER  
13 CORPORATION, d.b.a. AMTRAK; and  
14 DOES ONE THROUGH FIFTY.

15 Defendant.  
16

**NO. 3:19-cv-06223-BHS**

**JOINT STATUS REPORT AND  
DISCOVERY PLAN**

17 Plaintiff, by and through his counsel of record, and Defendant, by and through its  
18 counsel of record, present this Joint Status Report and Discovery Plan.

19 **1. Statement of Nature & Complexity of Case.**

20 This case arises out the December 18, 2017 derailment of Amtrak Cascades Train 501  
21 in DuPont, Washington. Defendant National Railroad Passenger Corporation (hereinafter  
22 Amtrak) does not contest liability for compensatory damages proximately caused by the  
23 derailment of Train 501.  
24  
25  
26

JOINT STATUS REPORT  
AND DISCOVERY PLAN

**LAW OFFICES OF JONGWON YI, LLC**  
6919 LAKEWOOD DR. W, STE D2, TACOMA, WA 98467  
(253) 474-5555 | (253) 474-5585 (FAX)

**BRENEMAN GRUBE OREHOSKI, PLLC**  
1200 FIFTH AVE., STE 625, SEATTLE, WA 98101  
(206) 770-7606 | (206) 770-7607 (FAX)

1                   **2. Proposed Deadline for Joining Additional Parties.**

2           Plaintiff proposes April 3, 2020 as the deadline for seeking to join additional parties, if  
3 any. Defendant proposes July 31, 2020 as the deadline for seeking to join additional parties, if any.

4                   **3. No Consent to Magistrate.**

5           The parties do not consent to assignment of this case to a full time United States  
6 Magistrate Judge.

7                   **4. Fed. R. Civ. P. 26(f)(3) Discovery Plan.**

8           The Rule 26 conference was completed on March 9, 2020.

9                   **A. Initial Disclosures.**

10           The parties plan to exchange initial disclosures on or before March 16, 2020 per the  
11 Court's scheduling order.

12                   **B. Subjects, Timing, and Potential Phasing of Discovery.**

13           The parties assert that discovery may be needed on medical causation and damages,  
14 which should be obtained by methods including, but not limited to, interrogatories, requests for  
15 production, requests for admission, and depositions.  
16

17           The Parties do not anticipate any specific deviations from the federal and local rules  
18 regarding the subjects, timing and potential phasing of discovery. The Parties will work together  
19 to conduct all discovery as promptly and efficiently as possible.  
20

21                   **C. Electronically Stored Information.**

22           No discovery of electronically stored information is anticipated at the present time.

23                   **D. Privilege Issues.**

24           At the present time, the parties do not foresee any unusual issues regarding claims of  
25 privilege.  
26

1                                   **E.       Proposed Limitations on Discovery.**

2           Plaintiff proposes discovery within the limitations set forth in the Federal Rules of Civil  
3 Procedure.

4           Defendant asserts that discovery should be limited to damages issues.

5                                   **F.       Discovery-Related Orders**

6           No discovery motions are anticipated at the present time.

7                                   **5. Local Civil Rule 26(f)(1) Topics:**

8                                   **A.       Prompt Case Resolution.**

9           The parties decline to participate in the Individualized Trial Program.  
10

11                                  **B.       Alternative Dispute Resolution.**

12           The parties believe that mediation under LCR 39.1(c) might be appropriate at the  
13 conclusion of discovery.

14                                  **C.       Related Cases:**

15                                  1. USDC – TAC Cause No. 2:18-cv-00072

16                                     Hon. Benjamin H. Settle

17                                     *Pennie Cottrell v. NRPC*

18                                  2. USDC – TAC Cause No. 2:18-cv-00093

19                                     Hon. Benjamin H. Settle

20                                     *Cecilia Goetz v. NRPC*

21                                  3. USDC – TAC Cause No. 2:18-cv-00134

22                                     Hon. Benjamin H. Settle

23                                     *Aaron Harris v. NRPC*

24                                  4. USDC – TAC Cause No. 3:18-cv-05062

25                                     Hon. Benjamin H. Settle

26                                     *Donald Jones; Reya Rezai v. NRPC*

- 1 5. USDC – SEA Cause No. 2:18-cv-00190  
Hon. Ricardo S. Martinez  
2 *Hilario Valdez, et al. v. NRPC*
- 3 6. USDC – TAC Cause No. 3:18-cv-05106  
4 Hon. Benjamin H. Settle  
5 *Madeleine Garza v. NRPC*
- 6 7. USDC – TAC Cause No. 2:18-cv-00648  
7 Hon. Benjamin H. Settle  
8 *Dale Skyllingstad v. NRPC*
- 9 8. USDC – TAC Cause No. 2:18-cv-00086  
10 Hon. Benjamin H. Settle  
11 *Blaine Wilmotte v. NRPC*
- 12 9. USDC – TAC Cause No. 3:18-cv-05366  
13 Hon. Benjamin H. Settle  
14 *Drew Mitchem v. NRPC*
- 15 10. USDC – TAC Cause No. 3:18-cv-05415  
16 Hon. Benjamin H. Settle  
17 *Diana Rincon v. NRPC*
- 18 11. USDC – TAC Cause No. 3:18-cv-05448  
19 Hon. Benjamin H. Settle  
20 *Jason Cates v. NRPC*
- 21 12. USDC – TAC Cause No. 3:18-cv-05451  
22 Hon. Benjamin H. Settle  
23 *Megan Douglas v. NRPC*
- 24 13. USDC – TAC Cause No. 3:18-cv-05452  
25 Hon. Benjamin H. Settle  
26 *Rudolph Wetzol v. NRPC*
14. USDC – TAC Cause No. 3:18-cv-05498  
Hon. Benjamin H. Settle  
*Angela Ward; Kenneth Ward v. NRPC*

1 15. USDC – TAC Cause No. 3:18-cv-05564

2 Hon. Benjamin H. Settle  
3 *Donnell Linton v. NRPC*

4 16. USDC – TAC Cause No. 3:18-cv-05576

5 Hon. Benjamin H. Settle  
6 *Joshua Hartley v. NRPC*

7 17. USDC – TAC Cause No. 3:18-cv-05584

8 Hon. Benjamin H. Settle  
9 *Patricia Freeman v. NRPC*

10 18. USDC – TAC Cause No. 3:18-cv-005572

11 Hon. Benjamin H. Settle  
12 *Karen and Kevin Barrett v. NRPC*

13 19. USDC – TAC Cause No. 3:18-cv-05594

14 Hon. Benjamin H. Settle  
15 *Jacob Burke and Belinda Cottrell-Burke v. NRPC*

16 20. USDC – TAC Cause No. 3:18-cv-05617

17 Hon. Benjamin H. Settle  
18 *Dona Linton and Q.L. v. NRPC*

19 21. USDC – TAC Cause No. 3:18-cv-05629

20 Hon. Benjamin H. Settle  
21 *Yu-Tsen Yu v. NRPC*

22 22. USDC – TAC Cause No. 3:18-cv-05684

23 Hon. Benjamin H. Settle  
24 *Zhiming Zhuang et al v. NRPC*

25 23. USDC-SEA Cause No. 2:18-cv-01298

26 Hon. James L. Robart  
*T.B. v. NRPC, et al.*

- 1 24. USDC-TAC Cause No. 3:18-cv-05823  
2 Hon. Benjamin H. Settle  
3 *Laura and Albert Vaughns v NRPC*
- 4 25. USDC – TAC Cause No. 3:18-cv-05776  
5 Hon. Benjamin H. Settle  
6 *Hannah Near v. NRPC, et al*
- 7 26. USDC – TAC Cause No. 3:18-cv-05784  
8 Hon. Benjamin H. Settle  
9 *Ngoc Anh Phan; Long Phan v. NRPC, et al*
- 10 27. USDC – TAC Cause No. 3:18-cv-05785  
11 Hon. Benjamin H. Settle  
12 *Emily Torjusen v. NRPC, et al*
- 13 28. USDC – TAC Cause No. 3:18-cv-05788  
14 Hon. Benjamin H. Settle  
15 *Amanda Uhlarik v. NRPC, et al*
- 16 29. USDC – TAC Cause No. 3:18-cv-05840  
17 Hon. Benjamin H. Settle  
18 *Phillip Riedel v. NRPC*
- 19 30. USDC – TAC Cause No. 3:18-cv-05844  
20 Hon. Benjamin H. Settle  
21 *Daniella Fenelon v. NRPC*
- 22 31. USDC – TAC Cause No. 3:18-cv-05880  
23 Hon. Benjamin H. Settle  
24 *Robert Snyder; Michelle Snyder v. NRPC*
- 25 32. USDC – TAC Cause No. 3:18-cv-05883  
26 Hon. Benjamin H. Settle  
*Brook Spurgeon v. NRPC*
33. USDC – TAC Cause No. 3:18-cv-05956  
Hon. Benjamin H. Settle  
*Eran Howarth v. NRPC*

1 34. USDC – TAC Cause No. 3:18-cv-05972

2 Hon. Benjamin H. Settle

3 *Shauna Stern; Brian Stern v. NRPC*

4 35. USDC – TAC Cause No. 3:19-cv-05211

5 Hon. Benjamin H. Settle

6 *Michael Abera v. NRPC*

7 36. USDC – TAC Cause No. 3:19-cv-05234

8 Hon. Benjamin H. Settle

9 *Adrian Thompson v. NRPC*

10 37. USDC – TAC Cause No. 3:19-cv-05235

11 Hon. Benjamin H. Settle

12 *Selam Araya v. NRPC*

13 38. USDC – TAC Cause No. 3:19-cv-05252

14 Hon. Benjamin H. Settle

15 *Tiffani Vincent v. NRPC*

16 39. USDC – TAC Cause No. 3:19-cv-05534

17 Hon. Benjamin H. Settle

18 *Gary Emmons and Cathy Emmons v. NRPC*

19 40. USDC – TAC Cause No. 3:19-cv-05417

20 Hon. Benjamin H. Settle

21 *Hana Haque v. NRPC, et al*

22 41. USDC – TAC Cause No. 3:19-cv-05553

23 Hon. Benjamin H. Settle

24 *Kylie Steele v. NRPC*

25 42. USDC – TAC Cause No. 3:19-cv-06066

26 Hon. Benjamin H. Settle

*Sarchami et al v. NRPC*

43. USDC – TAC Cause No. 3:20-cv-05018

Hon. Benjamin H. Settle

*Karnes et al v. NRPC*

1 44. USDC – TAC Cause No. 3:19-cv-06099  
2 Hon. Benjamin H. Settle  
3 *Leonard et al v. NRPC*

4 45. USDC – TAC Cause No. 3:19-cv-06180  
5 Hon. Benjamin H. Settle  
6 *Allen v. NRPC*

7 **D. Discovery Management.**

8 The parties request a discovery deadline 120 days prior to the trial date. The Parties do not  
9 anticipate any unusual discovery management outside the standard pretrial deadlines. The Parties  
10 will work cooperatively to promote expedient discovery. The Parties agree that discovery should  
11 proceed pursuant to the Federal and Local Rules, according to the schedule outlined herein. The  
12 parties request that this case and the Related Cases be assigned to a single judge for purposes  
13 of pretrial discovery management. All claims involving the derailment at issue in this litigation  
14 are already assigned to the Honorable Benjamin Settle and therefore any overlapping discovery  
15 issues are expected to be addressed uniformly.

16 **E. Anticipated Discovery Sought.**

17 Interrogatories, Requests for Production, Requests for Admission, and depositions  
18 related to medical causation and damages.  
19

20 Defendant does not believe that discovery into liability issues is necessary or permitted  
21 given its admission of liability for compensatory damages proximately caused by the subject  
22 incident. Defendant anticipates seeking targeted discovery on Plaintiff's claims for general and  
23 special damages, including on medical treatment and expenses and wage loss.  
24

25 **F. Phasing of Motions.**

26 The parties do not anticipate phasing motions to facilitate early resolution of potentially



dispositive issues.

**G. Preservation of Discoverable Information.**

At the present time, the parties do not have preliminary issues relating to the preservation of discovery information.

**H. Privilege Issues.**

The parties agree to comply with the procedures for handling inadvertent production of privileged information contained in Fed. R. Civ. P. 26(b)(5)(B). The parties have no other privilege waiver issues at this time.

**I. Model Protocol for Discovery of ESI.**

The parties do not anticipate that a protocol for discovery of ESI will be necessary.

**J. Alternatives to Model ESI Protocol.**

The parties do not anticipate that alternatives to the model protocol for discovery of ESI will be necessary.

**6. Completion of Discovery.**

Plaintiff believes discovery can be completed by December 2020.

Defendant believes discovery can be completed by September 2021.

**7. No Bifurcation.**

The parties do not believe bifurcation is necessary.

**8. Individual Trial Program and ADR.**

The parties will engage in pretrial mediation pursuant to Local Civil Rule 39.1(c), and will work together to determine what discovery needs to occur prior to ADR. The parties decline to participate in the Individualized Trial Program.

1                   **9. Other Suggestions for Shortening or Simplifying Case.**

2                   Counsel will work toward shortening and simplifying the case but have no specific  
3 suggestions at this time.

4                   **10. Trial Date.**

5                   Plaintiff believes that the case will be ready for trial by March 2021.

6                   Defendant believes that the matter cannot be ready for trial until January 2022 given  
7 that other matters arising out of same derailment have already been set for trial into December  
8 2021.

9                   **11. Jury Trial.**

10                  The case will be tried by a jury.

11                  **12. Number of Trial Days.**

12                  The parties anticipate that trial will take approximately 5 court days.

13                  **13. Trial Counsel**

14                  Plaintiff's Trial Counsel:

15                  Jongwon Yi  
16                  Law Offices of Jongwon Yi, LLC  
17                  6919 Lakewood Dr. W, Suite D2  
18                  Tacoma, WA 98467-3220

19                  Joseph A. Grube  
20                  Karen Orehoski  
21                  Breneman Grube Orehoski, PLLC  
22                  1200 Fifth Avenue, Suite 625  
23                  Seattle, WA 98101

Defendant's Trial Counsel:

Andrew G. Yates  
Tim Wackerbarth  
Warren E. Babb, Jr.  
Lane Powell  
1420 Fifth Avenue, Suite 4200  
Seattle, WA 98111  
Attorneys for: Amtrak

Mark S. Landman  
John A. Bonventre  
Landman, Corsi, Ballaine & Ford  
120 Broadway, 13th Floor  
New York, NY 10271  
Attorneys for: Amtrak

**14. Trial Date Conflicts.**

Plaintiff's counsel currently have a ten-day trial set for Clark County Superior Court (cause no. 18-2-05414-5) for March 8, 2021.

Defendant's counsel has trial settings as follows: 03.23.2020, 04.07.2020, 04.20.2020, 04.28.2020, 05.12.2020, 05.26.2020, 06.09.2020, 06.23.2020, 08.25.2020, 09.15.2020, 09.29.2020, 10.20.2020, 11.10.2020, 12.01.2020, 01.12.2021, 02.02.2021, 02.16.2021, 03.09.2021, 03.23.2021, 04.13.2021, 04.27.2021, 05.04.2021, 05.11.2021, 05.18.2021, 06.01.2021; 06.15.21; 08.31.2021, 09.14.2021, 09.28.21, 10.12.21, 10.26.21, 11.09.21, 12.07.21.

**14. Corporate Disclosure Statement.**

Defendant has filed its corporate disclosure statement pursuant to Fed. R. Civ. P. 7.1 and LCR 7.1.

**15. Service.**

Defendant has been served.

The parties stipulate that all service of documents not filed with the Court, including but not limited to, discovery requests, discovery responses, deposition notices, disclosures, and

correspondence, may be made by electronic service via electronic service (email). Electronic service made by 5:00 p.m. Pacific time on any business day shall be considered equivalent to personal service on that business day. Electronic service after 5:00 p.m. or on a Saturday, Sunday, or federal holiday shall be deemed service the next business day. Service by any other means shall be governed by the Federal Rules of Civil Procedure and the Local Civil Rules of the United States District Court, Western District of Washington.

**16. Request for Trial Setting Conference**

Plaintiff requests that the Court set an in-person Rule 26 Case Conference or Trial Setting Conference.

Defendant does not believe an in-person conference is necessary.

DATED this 10<sup>th</sup> day of March 2020.

**LAW OFFICES OF JONGWON YI, LLC**

By: /s/ Jongwon Yi  
Jongwon Yi, WSBA #31470  
Attorney for Plaintiff  
[jy@jvilaw.com](mailto:jy@jvilaw.com)

*Attorneys for Plaintiff*

**BRENEMAN GRUBE OREHOSKI, PLLC**

By: /s/ Joseph A. Grube  
Joseph A. Grube WSBA #26476  
By: /s/ Karen Orehoski  
Karen Orehoski, WSBA #35855  
[joe@bgotrial.com](mailto:joe@bgotrial.com)  
[karen@bgotrial.com](mailto:karen@bgotrial.com)

*Attorneys for Plaintiff*

**LANE POWELL PC**

By: s/ Andrew G. Yates  
Tim D. Wackerbarth, WSBA No. 13673  
[wackerbartht@lanepowell.com](mailto:wackerbartht@lanepowell.com)  
Andrew G. Yates, WSBA No. 34239  
[yatesa@lanepowell.com](mailto:yatesa@lanepowell.com)  
Warren E. Babb, Jr., WSBA No. 13410  
[babbw@lanepowell.com](mailto:babbw@lanepowell.com)

*Attorneys for Defendant National Railroad Passenger Corporation*

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